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JUN 28 2004

Applicants : JORN LEIBER ET AL.
Serial No. : 08/976,820
Filed : November 25, 1997
For : USE OF AN ADHESIVE TAPE SECTION
Art Unit : 1771
Examiner : Terell H. Morris

June 28, 2004

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

SIR:

A Notice of Abandonment was issued in the above-identified application on May 24, 2004, indicating that the application was abandoned because a decision by the Board of Patent Appeals and Interferences was rendered on May 7, 2004, and because the period for seeking court review had expired and there were no allowed claims. Applicants submit that the holding of abandonment was in error, and, therefore, Applicants respectfully request that the holding of abandonment be rescinded and that this application be returned to pending status.

Application No. 08/976,820
Applicant: Jorn LIEBER et al
Petition to Withdraw Holding of Abandonment

At the outset, Applicants are unaware of any decision of the Board of Patent Appeals and Interferences dated May 7, 2004. Perhaps the reference was intended to be to the decision of the Board of Patent Appeals and Interferences on Applicants' Request for Rehearing, which decision was mailed to Applicants on April 28, 2004.

In any event, Applicants had two months from the date of that decision, i.e., until June 28, 2004, to seek court review or take other appropriate action. 37 CFR § 1.304(a); MPEP § 1216. Obviously, that time period had *not* expired when the Notice of Abandonment was mailed on May 7, 2004.

In short, Applicants submit that the Notice of Abandonment was issued in error, and that this application did not, in fact, go abandoned. Therefore, Applicants respectfully request that the Notice of Abandonment be rescinded, and that this application be returned to pending status.

Applicants point out that a Request for Continued Examination and a Response have been filed today under separate cover.

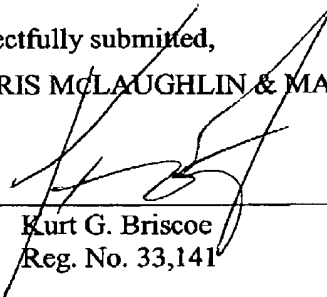
No fee is believed to be due for this petition. However, should the Commissioner determine otherwise, he is hereby respectfully requested to charge the fee to Deposit Account No. 14-1263.

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Early and favorable action is earnestly solicited.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By


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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Petition to Withdraw Holding of Abandonment (3 pages total) are being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: June 28, 2004

By


Jennifer Archer